

Nov 09, 2018

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ROBERT WADE MADDEN,

Defendant.

No. 4:18-CR-06023-EFS-1

ORDER GRANTING IN PART
DEFENDANT'S MOTION TO
MODIFY CONDITIONS OF
RELEASE AND GRANTING
DEFENDANT'S MOTION TO
EXPEDITE

ECF Nos. 40, 41

On Thursday, November 8, 2018, the Court conducted a hearing on Defendant's Motion to Modify Conditions of Release (ECF No. 40) in accordance with 18 U.S.C. § 3142. Defendant appeared with Assistant Federal Defender Jeremy Sporn. Assistant United States Attorney Laurel Holland represented the United States.

The Court considered the parties' arguments and proffers. The Court has considered this additional information and evaluated the four factors outlined in 18 U.S.C. § 3142(g) to decide whether there were conditions of release that

1 would reasonably assure Defendant's appearance in court and the safety of the
2 community: (1) the nature and circumstances of the offense; (2) the weight of
3 evidence against Defendant; (3) the history and characteristics of Defendant; and
4 (4) the nature and seriousness of the danger Defendant would present to the
5 community if released.

6 The Court has significant concerns about Defendant's request to stay
7 overnight in a home where children are present. The United States proffered
8 new information regarding allegations of sexual abuse of a minor that were
9 raised in 2005, concerning conduct alleged to have occurred in approximately
10 1999-2004 when the child was approximately eight to twelve years old. Since
11 the initial allegations of sexual abuse were raised in 2005, Defendant has been
12 charged with possession and distribution of child pornography, and Defendant
13 made incriminating statements indicating he has a preference for images of
14 minors at a similar age to the minor involved in the alleged hands on contact.
15 The United States also proffered that a search of Defendant's home revealed
16 items (panties and training bras) related to children that allegedly appeared to
17 have been used for sexual purposes. This new information regarding the
18 allegation of hands on contact with a minor and alleged recent activities
19 involving items related to children give the Court substantial concern about
20 Defendant's request to stay overnight in a home where prepubescent children

1 will be present. The Court appreciates the importance of spending time with
2 family, especially during the holidays, but an overnight visit as Defendant
3 requests is not appropriate. Accordingly,

4 IT IS HEREBY ORDERED:

- 5 1. The Motion to Expedite (**ECF No. 41**) is **GRANTED**.
- 6 2. The Motion to Modify Conditions of Release (**ECF No. 40**) is
7 **GRANTED IN PART**.
- 8 3. Defendant's previously imposed conditions of release (ECF No. 19) shall
9 be modified as follows: Defendant shall be permitted to leave his
10 residence on Thursday, November 22, 2018, to travel to the proposed
11 release address in Lynnwood, Washington. Defendant may depart his
12 residence no earlier than 5:00 AM and must return to his residence by
13 11:00 PM. Defendant must travel directly from his residence to the
14 approved Lynnwood address and return directly to his residence. At no
15 point may Defendant have unsupervised contact with any children.
16 Defendant's contact with children must be supervised by an adult who is
17 aware of the charges against Defendant.

18 DATED November 9, 2018.

19 s/Mary K. Dimke
20 MARY K. DIMKE
UNITED STATES MAGISTRATE JUDGE